

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-33 remain pending in the case. Claims 1-33 are rejected. Claims 1 and 14 are amended herein. No new matter has been added.

35 U.S.C. §103(a)

Claims 1, 3-10, 13, 14, 16-20, 23 and 27-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,529,742 by Yang, hereinafter referred to as the "Yang" reference, in view of United States Patent 5,671,267 by August, hereinafter referred to as the "August" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1, 3-10, 13, 14, 16-20, 23 and 27-31 are not anticipated by the combination of Yang and August in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

In a portable electronic device, a method for automatically delivering a phone call, said method comprising:
monitoring for incoming phone calls by a background task of an operating system of said device, said background task interfacing directly with the telephony functionality of said device, said background task always active, said operating system

including at least one application;
detecting said incoming phone call by said background task;
notifying said operating system of said incoming phone call by said background task; and
notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application.

Independent Claims 14 and 23 recite similar limitations. Claims 3-10 and 13 that depend from independent Claim 1, Claims 16-20 that depend from independent Claim 14, and Claims 27-31 that depend from independent Claim 23 provide further recitations of features of the present invention.

Yang and the embodiments of the present invention as claimed invention are very different. Applicants understand Yang to teach a method and system for controlling an operation mode of a TV phone. A TV phone, as taught by Yang, is an electronic device including a TV unit for outputting a video signal and audio signal in a TV operation mode and for outputting an audio signal from a mobile radio frequency processor (MRFU) in a phone mode (Abstract).

Applicants understand Yang to teach deactivating TV circuitry in response to a received phone call. Yang does not anticipate the claimed embodiments of the invention because Yang teaches deactivating a TV application in response to a received phone call. Embodiments of the claimed invention are directed towards a method and system for automatically delivering a phone call to a device including "notifying a user of said device of

said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application." In particular, embodiments of the present invention are directed towards notifying a user without disrupting the application that the user is interacting with and that is running on the operating system. An aspect of the claimed embodiment, therefore, is to inform, without interruption, which is vastly different from the cited art.

As described in the present application, the operating system operates to control a wide variety of applications, including a graphical user interface (GUI) and a telephony task (page 15, lines 8-10). The telephony task can operate simultaneously to other applications, such as the GUI. In particular, upon receiving an incoming call, the telephony task notifies the operating system. The operating system then attempts to notify the user. If other applications that block the phone call are in use, the telephony task in accordance with the claimed embodiment does not terminate the application. In particular, if the GUI is busy and is blocking notification of an incoming call, the GUI is not affected, and the telephony task is blocked from accessing the GUI.

In contrast, Applicants understand Yang to teach a method for controlling an operation mode of a TV phone. Yang teaches a TV phone having two chipsets for providing two functionalities, a portable phone module (col. 3, lines

18-21) and a TV unit 18 (col. 3, line 26). The TV phone has two modes, a phone mode and a TV mode. When the TV phone is set to TV mode, the TV unit 18 and a TV audio signal processor 38 receive a power control signal PW from a mobile station processor (MSP 30). Specifically, if an incoming phone call is received, "MSP 30 turns off the TV unit 18 and the TV audio signal processor 38 by deactivating power control signal PW" (Figure 1 and col. 6, lines 23-28, emphasis added). Therefore, unlike the claimed embodiments, the TV mode is terminated upon the receipt of an incoming phone call.

The cited reference does not teach or suggest the claimed embodiment because Applicants respectfully assert that the two operation modes of the TV phone as taught in Yang are mutually exclusive. In other words, a user cannot use both the TV mode and the phone mode at the same time. For example, use of the TV mode requires a user to hold the TV phone at some distance away, so that the user is able to view the display screen. In the phone mode, however, a user holds the TV phone up against their head, to utilize the telephone functionality. Furthermore, the TV mode and the phone mode each provide an audio signal. Presenting the TV audio signal and the phone audio signal at the same time would result in overlapping and incoherent audio signals.

Moreover, the combination of Yang and August fails to teach or suggest the claim limitation of "notifying a user of said device of said incoming phone

call by said background task irrespective of the user's activity on said device without terminating said application," because August does not overcome the shortcomings of Yang. August, alone or in combination with Yang, does not show or suggest this claim limitation. As described above, Yang teaches a TV phone having two operation modes, a TV mode and a phone mode, wherein the TV mode is terminated in response to an incoming call.

Applicants understand August to teach an interactive communication system that operates as both a cordless telephone and a remote control for remotely operated devices (Abstract). In particular, August teaches a portable phone that can also remotely control other devices. As shown in Figure 1 of August, handset unit 10 is in wireless communication with a cordless telephone base unit 20, and is configured to provide remote control functions for remotely operated devices (set-top box 30 and receiving device 60) (col. 2, lines 28-38). When an incoming call is received at handset unit 10, various commands can be sent to the remotely controlled devices, such as displaying caller ID or muting a device. Specifically, handset unit 10, in response to an incoming call, can control the functionality of other electronic devices.

Importantly, there is no suggestion in the combination of references to produce the claimed embodiment because Applicants respectfully assert that modifying Yang to have a TV mode and a phone mode operating simultaneously, as shown in August, would render Yang inoperable. As

described above, the two modes require different forms of user interaction. For example, a user cannot view a display screen for watching television while holding the phone to their head for receiving a phone call. Furthermore, presenting the TV audio signal and the phone audio signal at the same time would result in overlapping and incoherent audio signals. On the contrary, by teaching a deactivating TV circuitry in response to a received phone call, Yang teaches away from such a combination with August.

Therefore, in view of the claim limitation of “notifying a user of said device of said incoming phone call by said background task irrespective of the user’s activity on said device without terminating said application,” not being shown or suggested in August, in combination with the above arguments, Applicants respectfully submit that independent Claims 1, 14 and 23 overcome the cited references and is therefore allowable over the combination of Yang and August.

In sum, Applicants respectfully assert that nowhere does the combination of Yang and August teach, disclose or suggest the present invention as recited in independent Claims 1, 14 and 23, and that this claimed subject matter is thus in a condition for allowance. Therefore, Applicants respectfully submit that the combination of Yang and August also does not teach or suggest the additional claimed features of the present invention as recited in Claims 3-10 and 13 that depend from independent Claim 1, Claims

16-20 that depend from independent Claim 14, and Claims 27-31 that depend from independent Claim 23. Therefore, Applicants respectfully submit that Claims 3-10, 13, 16-20 and 27-31 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 2, 15 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang and August in view of United States Patent 6,516,202 by Hawkins et al., hereinafter referred to as the "Hawkins" reference. Applicants understand Hawkins to teach a communication device having a movable front cover. Specifically, Applicants respectfully assert that Hawkins, either alone or in combination with Yang and August, does not teach, disclose or suggest "notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application. Therefore, Applicants respectfully submit that Claims 2, 15 and 24 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance.

Claims 11, 12, 21, 22, 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yang and August in view of United States Patent 6,370,401 by Baranowski et al., hereinafter referred to as the "Baranowski" reference. Applicants understand Baranowski to teach a storage case for a wireless headset. Specifically, Applicants respectfully assert that Baranowski,

either alone or in combination with Yang and August, does not teach, disclose or suggest "notifying a user of said device of said incoming phone call by said background task irrespective of the user's activity on said device without terminating said application," as claimed. Therefore, Applicants respectfully submit that Claims 2, 15 and 24 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance.

CONCLUSION


Based on the arguments presented above, Applicants respectfully assert that Claims 1-33 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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